

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

17-CR-170

DAVID NICHOLS,

Defendant.

MOTION FOR DOWNWARD DEPARTURE PURSUANT TO USSG § 5K1.1

The United States of America, by its attorney, Michael DiGiacomo, Assistant United States Attorney, hereby moves this Court for an Order granting a downward departure pursuant to Section 5K1.1 of the United States Sentencing Guidelines. This motion is based upon the affidavit of Assistant United States Attorney Michael DiGiacomo, which is submitted separately and filed under seal.

DATED: Buffalo, New York, February 6, 2019.

JAMES P. KENNEDY, JR.
United States Attorney

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